

REMARKS

Claims 1-3, 7-31, 33, 35, 56, 60-98 and 101-144 are pending, after amendments, in the application.

Claims 1, 31, 33, 46, 55, 66, 67, 79, 80, 89, 96, 107-109, 125, 138, and 140 have been amended. Claims 4-6, 32, 34, 57-59, 99 and 100 have been canceled.

Claims Rejections 35 U.S.C. §112

Claim 1 is rejected due to lack of antecedent basis of the term “said client network node information”, on line 9.

The claim is amended to read said network node information, so that it takes antecedence from line 5.

It is therefore submitted that claim 1 as amended is allowable in respect of 35 U.S.C. §112.

Claims Rejections 35 U.S.C. §102

Claims 1-3, 7-30, 42-45, 49-51, 55-56, 60-78, 86-89, 92-98, 101-124, 138-141, and 143-144 are rejected under 35 U.S.C. §102(e) as being anticipated by Parekh et al. (US Patent No. 6,757,740).

In response, the independent claims are amended to recite that network node information is obtained at the instigation of the user client.

Reference is initially made to the text of claim 1 of the present application. In claim 1 it is clearly stated that network node information is obtained from the vicinity of the user client, it is further stated that said user client is to be engaged in an interaction with a server.

The Examiner is now referred to figure 1 of the present application and to the related paragraphs 187, 188 and 208 of the present application. From figure 1 it is clear that the whole process is initiated by the user client, thus providing support for the amendment to claim 1. In paragraphs 187 and 188 it is clearly stated that said user client is to interact (in the specific embodiment described herein, be redirected and issue a DNS request, wherein the vicinity of the user client refers to the DNS in said user client's ISP POP) as part of the operation of the described apparatus.

The same features, of obtaining network node information from the vicinity of the user client, and of interaction with the user client, is claimed in the other

independent claims rejected under 35 U.S.C. §102, claims 46, 55, 89, 96, 138 and 140 as well.

The Examiner is now referred to claim 1 of Parekh and to figure 5. The user client's identification (IP address, host name and/or domain name) is given as an input to the method, but the user client of Parekh never interacts with the method's operation. Interaction with the client or a client initiated process is neither taught nor suggested in Parekh. On the contrary, Parekh is insistent throughout his application that *only* the client's identification *and* the route to the client are actually used. Similarly, Parekh teaches nothing about obtaining network node information from the *vicinity* of said user client, indeed Parekh knows nothing about the vicinity of the user client.

Since both applications' preferred embodiments deal with ascertaining the location of a user in an IP based network and utilize tools such as the DNS framework and trace routing, it is possible to further contrast them based on their usage of the same underlying mechanisms. Parekh's method makes use of the user client's DNS address and analyses it and/or uses it to employ standard tools.

By contrast the current application constructs unique DNS addresses and redirects the user client to them, a process that causes the user client of the present application to prompt a DNS server in the user client's ISP POP to make contact with a DNS server which is part of the described apparatus and hand the last constructed unique DNS address. The address then correlates the user client with the DNS server in the user client's ISP POP.

Since Parekh does not interact with the user client, it is not able to cause the user client to resolve a DNS address, it can not locate said DNS server in said user client's ISP POP and have to rely on the route to the user client. Parekh is thus unable to achieve the levels of accuracy and reliability that are available according to the present embodiments.

In summary Parekh does not teach or hint at the claimed process of location of a user client which is initiated by the user client and which relies on network node information that is obtained from the vicinity of the user client, or wherein the user client is to be engaged in an interaction with a server. It is therefore submitted that the independent claims are allowable as being both novel and inventive over Parekh.

The dependent claims rejected under this section are believed to be allowable as being dependent on allowable main claims.

Claims Rejections 35 U.S.C. §103

Claims 31, 33, 35-41, 79-85, 90-91, 125-129, 133-137 and 142 are rejected under 35 U.S.C. §103(a) as being unpatentable over Parekh et al. (US Patent No. 6,757,740) in view of Mashinsky (US Patent No. 6,088,436).

The independent claims are believed to be allowable for the reasons set out above. There is nothing in Mashinsky to teach the claimed process of location of a user client which is initiated by the user client and which relies on network node information that is obtained from the vicinity of the user client, or wherein the user client is to be engaged in an interaction with a server. This is true either when Mashinsky is taken alone or is taught in combination with Parekh.

It is therefore submitted that the independent claims are allowable as being both novel and inventive over both Parekh and Mashinsky and that the remaining claims are allowable as being dependent on allowable main claims.

In addition to the above, the following comments are made.

Referring now to claim 125 of the present application, it is clearly stated therein that the location of a user client is to be determined, and that said user client is to be engaged in an electronic interaction with a server.

As was shown for claims 1, 46, 55, 89, 96, 138 and 140, this feature is not taught by Parekh, and although teaching several elements of a callback system, this particular feature is certainly not taught by Machinsky.

Reference is made to claim 31 of the present application. In claim 31 it is clearly stated that network node information is obtained from the vicinity of the user client, it is further stated that said user client is to be engaged in an interaction with a server.

As was shown for claims 1, 46, 55, 89, 96, 138 and 140, these features are not taught by Parekh, and although teaching several elements of a callback system, these particular features are certainly not taught by Machinsky.

The same features, of obtaining network node information from the vicinity of the user client, and of interaction with the user client, is claimed in the other independent claims rejected under 35 U.S.C. §103, claims 33, 79 and 80 as well.

All of the matters raised by the Examiner are believed to be overcome. In view of the foregoing, it is believed this application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,



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Date: November 16, 2005

Encl.:

1-Month Extension Fee